

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION**

In Re:	*	Case No. 18-32379
Larry N. Moore and Carol J. Moore	*	Judge John Gustafson
	*	Chapter 13 Proceeding
Debtors	*	

**MOTION FOR AUTHORITY TO SELL PROPERTY AND FOR AN ORDER THAT
SUCH SALE BE FREE AND CLEAR OF CERTAIN INTERESTS IN SUCH PROPERTY**

Now come the Debtors, Larry N. Moore and Carol J. Moore (the “Debtors”), by and through undersigned counsel, and hereby file this “Motion” seeking authority sell certain real property owned by the Debtors and requesting that such sale be free and clear of certain interests in such property. The Debtors make this Motion pursuant to 11 U.S.C. §§ 105, 363, and Bankruptcy Rule 6004. For this Motion, the Debtors state:

- (1) On July 29, 2018, the Debtors filed for relief under Chapter 13 of the United States Bankruptcy Code.
- (2) At the time they filed for bankruptcy relief, the Debtors held an interest in certain parcels of real property located in Wood County, Ohio.
- (3) That among the properties of real property owned by the Debtors, such properties include a parcel of property located at 409 Perry Street, Pemberville, Ohio. (“Property”).
- (4) That the Property is designated as Parcel Number D16-512-100102002000 by the Wood County Auditor with a legal description of SE COR W OF RR NE N.
- (5) That the Union Bank Company also has an interest in the Property based upon a judgment lien filed in the Wood County Court of Common Pleas on April 17, 2018, in Case

Number 2018JL0281. (“Judgment Lien”). That the Judgment Lien also constitutes a lien against those other properties the Debtors own in Wood County Ohio. That upon information and belief based upon a proof of claim filed by the Union Bank Company, there is currently due and owing on the Judgment Lien the sum of \$39,436.02. (“Claim”). Notwithstanding, this amount is not, for purposes of this Motion, being asserted as a payoff amount to the Union Bank Company.

(6) That the Debtors have received an offer to purchase the Property. A copy of the purchase agreement, and its addendum, is attached hereto as Exhibit A. (“Purchase Agreement”). That under the Purchase Agreement, the sale price for the Property is \$34,000.00. The Purchaser under the Agreement is NBPP, LLC. (“Purchaser”).

(7) That pursuant to his Motion, the Debtors seek authority from the Court to sell the Property pursuant to the Purchase Agreement.

(8) That pursuant to this Motion, the Debtor further seek authority from the Court to sell the Property to the Purchaser free from the Judgment Lien interest claimed by the Union Bank Company in the Property

(9) That as a part of the Sale, the Debtors propose that the proceeds received from the sale would be distributed as follows:

(a) All superior liens and other interest held against the Property, including delinquent real estate taxes and pro-rated non-delinquent real estate taxes.

(b) Realtor/Broker’s fees;

(c) any other necessary costs assessed to the Debtors to effectuate the sale, not to exceed \$2,000.00;

(d) the sum of \$362.00 to Debtors’ attorney, Eric Neuman, as and for reimbursement for funds forwarded to cover court costs for two prior motions to sell filed with the Court;

(d) \$2,000.00 to the Debtors;

(f) remaining funds to the Union Bank Company as payment toward their Claim; and

(g) to the extent funds remain after payment of the above items, all remaining funds to the Trustee to administer according to applicable law and the Debtors' confirmed plan.

(10) As it regards the above distribution to the Debtors, such funds are needed by the Debtors and will be used by the Debtors address everyday living costs.

(11) The Debtors would state that such sale is authorized by 11 U.S.C. §§ 105, 363, and Bankruptcy Rule 6004.

(12) The Debtors would further state that the proposed sale free and clear of the interests claimed by the Union Bank Company under their Judgment Lien is authorized by 11 U.S.C. § 363(f)(2) as the Union Bank Company has consented to the sale of the Residence free and clear of their interests.

WHEREFORE, the Debtors request that the Court grant their Motion and enter an Order in substantially the form attached hereto as Exhibit B, authorizing them to sell their Property to the Purchaser pursuant to the terms of the Purchase Agreement, that such sale be free and clear pursuant to 11 U.S.C. § 363(f), including the interests claimed by the Union Bank Company in the Property and that the Court enter any other relief in favor of the Debtors it deems to be just and equitable.

Respectfully submitted

/s/Eric R. Neuman
Eric R. Neuman (0069794)
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Approved

/s/ Christy A. Prince

Christy A. Prince (0082220)

(Per email authorization dated 12/12/2019)

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Attorney for The Union Bank Company

NOTICE PURSUANT TO LOCAL RULE

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this case. If you do not have an attorney, you may wish to consult one. Under Local Bankruptcy Rule 9013-1 and 4:08, unless a written response to the Motion are filed with the Clerk of the Court and served on the moving party and the Office of the U.S. Trustee, objecting to the relief requested within twenty one (21) days, the Court may deem the opposition waived, treat the motions as conceded, and issue an order granting the requested relief without further notice of hearing.

/s/Eric Neuman

Eric R. Neuman

CERTIFICATE OF SERVICE

I, Eric R. Neuman, do hereby certify that a copy of this Motion for Authority to Sell was mailed or electronically sent to the following attached list of interested parties and creditors this 18th day of December, 2019.

/s/Eric R. Neuman

Eric R. Neuman

Notice will be electronically mailed to:

Eric R. Neuman on behalf of Debtor Carol J. Moore eric@drlawllc.com, kim@drlawllc.com; r50765@notify.bestcase.com; Adam@drlawllc.com; Ray@drlawllc.com; leanne@drlawllc.com

Eric R. Neuman on behalf of Debtor Larry N. Moore at eric@drlawllc.com, kim@drlawllc.com; r50765@notify.bestcase.com; Adam@drlawllc.com; Ray@drlawllc.com; leanne@drlawllc.com

Christy A. Prince on behalf of Creditor The Union Bank Company
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Elizabeth A. Vaughan
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Notice will be mailed to:

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